

Department of Justice

§ 55.2

shall forward a copy of the petition to the Assistant Attorney General having supervisory authority over the subject matter and, if the petition is denied, shall promptly notify the Assistant Attorney General.

(5 U.S.C. 301, 18 U.S.C. 3401(f))

[Order No. 903-80, 45 FR 50564, July 30, 1980, as amended by Order No. 2012-96, 61 FR 8473, Mar. 5, 1996]

PART 55—IMPLEMENTATION OF THE PROVISIONS OF THE VOTING RIGHTS ACT REGARDING LANGUAGE MINORITY GROUPS

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APPENDIX TO PART 55—JURISDICTIONS COVERED UNDER SECTIONS 4(f)(4) AND 203(c) OF THE VOTING RIGHTS ACT OF 1965, AS AMENDED

AUTHORITY 5 U.S.C. 301; 28 U.S.C. 509, 510; 42 U.S.C. 1973b, 1973j(d), 1973aa-1a, 1973aa-2.

SOURCE: Order No. 655-76, 41 FR 29998, July 20, 1976, unless otherwise noted.

Subpart A—General Provisions

§ 55.1 Definitions.

As used in this part—

Act means the Voting Rights Act of 1965, 79 Stat. 437, as amended by the Civil Rights Act of 1968, 82 Stat. 73, the Voting Rights Act Amendments of 1970, 84 Stat. 314, the District of Columbia Delegate Act, 84 Stat. 853, the Voting Rights Act Amendments of 1975, 89 Stat. 400, the Voting Rights Act Amendments of 1982, 96 Stat. 131, and the Voting Rights Language Assistance Act of 1992, Public Law 102-344, 106 Stat. 921, 42 U.S.C. 1973 *et seq.* Section numbers, such as “section 14(c)(3),” refer to sections of the Act.

Attorney General means the Attorney General of the United States.

Language minorities or *language minority group* is used, as defined in the Act, to refer to persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage. (Sections 14(c)(3) and 203(e)).

Political subdivision is used, as defined in the Act, to refer to “any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.” (Section 14(c)(2)).

[Order 1246-87, 53 FR 735, Jan. 12, 1988, as amended by Order No. 1752-93, 58 FR 35372, July 1, 1993]

§ 55.2 Purpose; standards for measuring compliance.

(a) The purpose of this part is to set forth the Attorney General’s interpretation of the provisions of the Voting

Rights Act which require certain States and political subdivisions to conduct elections in the language of certain “language minority groups” in addition to English.

(b) In the Attorney General’s view the objective of the Act’s provisions is to enable members of applicable language minority groups to participate effectively in the electoral process. This part establishes two basic standards by which the Attorney General will measure compliance:

(1) That materials and assistance should be provided in a way designed to allow members of applicable language minority groups to be effectively informed of and participate effectively in voting-connected activities; and

(2) That an affected jurisdiction should take all reasonable steps to achieve that goal.

(c) The determination of what is required for compliance with section 4(f)(4) and section 203(c) is the responsibility of the affected jurisdiction. These guidelines should not be used as a substitute for analysis and decision by the affected jurisdiction.

(d) Jurisdictions covered under section 4(f)(4) of the Act are subject to the preclearance requirements of section 5. See part 51 of this chapter. Such jurisdictions have the burden of establishing to the satisfaction of the Attorney General or to the U.S. District Court for the District of Columbia that changes made in their election laws and procedures in order to comply with the requirements of section 4(f)(4) are not discriminatory under the terms of section 5. However, section 5 expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of the changes.

(e) Jurisdictions covered solely under section 203(c) of the Act are not subject to the preclearance requirements of section 5, nor is there a Federal apparatus available for preclearance of section 203(c) compliance activities. The Attorney General will not preclear jurisdictions’ proposals for compliance with section 203(c).

(f) Consideration by the Attorney General of a jurisdiction’s compliance with the requirements of section 4(f)(4) occurs in the review pursuant to sec-

tion 5 of the Act of changes with respect to voting, in the consideration of the need for litigation to enforce the requirements of section 4(f)(4), and in the defense of suits for termination of coverage under section 4(f)(4). Consideration by the Attorney General of a jurisdiction’s compliance with the requirements of section 203(c) occurs in the consideration of the need for litigation to enforce the requirements of section 203(c).

(g) In enforcing the Act—through the section 5 preclearance review process, through litigation, and through defense of suits for termination of coverage under section 4(f)(4)—the Attorney General will follow the general policies set forth in this part.

(h) This part is not intended to preclude affected jurisdictions from taking additional steps to further the policy of the Act. By virtue of the Supremacy Clause of Art. VI of the Constitution, the provisions of the Act override any inconsistent State law.

[Order 655–76, 41 FR 29998, July 20, 1976, as amended by Order 1246–87, 53 FR 736, Jan. 12, 1988]

§ 55.3 Statutory requirements.

The Act’s requirements concerning the conduct of elections in languages in addition to English are contained in section 4(f)(4) and section 203(c). These sections state that whenever a jurisdiction subject to their terms “provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable language minority group as well as in * * * English.
* * *

Subpart B—Nature of Coverage

§ 55.4 Effective date; list of covered jurisdictions.

(a) The minority language provisions of the Voting Rights Act were added by the Voting Rights Act Amendments of 1975.

(1) The requirements of section 4(f)(4) take effect upon publication in the FEDERAL REGISTER of the requisite determinations of the Director of the Census and the Attorney General. Such

determinations are not reviewable in any court.

(2) The requirements of section 203(c) take effect upon publication in the FEDERAL REGISTER of the requisite determinations of the Director of the Census. Such determinations are not reviewable in any court.

(b) Jurisdictions determined to be covered under section 4(f)(4) or section 203(c) are listed, together with the language minority group with respect to which coverage was determined, in the appendix to this part. Any additional determinations of coverage under either section 4(f)(4) or section 203(c) will be published in the FEDERAL REGISTER.

[Order 655-76, 41 FR 29998, July 20, 1976, as amended by Order 1246-87, 53 FR 736, Jan. 12, 1988]

§ 55.5 Coverage under section 4(f)(4).

(a) *Coverage formula.* Section 4(f)(4) applies to any State or political subdivision in which

(1) Over five percent of the voting-age citizens were, on November 1, 1972, members of a single language minority group,

(2) Registration and election materials were provided only in English on November 1, 1972, and

(3) Fewer than 50 percent of the voting-age citizens were registered to vote or voted in the 1972 Presidential election.

All three conditions must be satisfied before coverage exists under section 4(f)(4).¹

(b) Coverage may be determined with regard to section 4(f)(4) on a statewide or political subdivision basis.

(1) Whenever the determination is made that the bilingual requirements of section 4(f)(4) are applicable to an entire State, these requirements apply to each of the State's political subdivisions as well as to the State. In other words, each political subdivision within a covered State is subject to the same requirements as the State.

(2) Where an entire State is not covered under section 4(f)(4), individual political subdivisions may be covered.

¹Coverage is based on sections 4(b) (third sentence), 4(c), and 4(f)(3).

§ 55.6 Coverage under section 203(c).

(a) *Coverage formula.* There are four ways in which a political subdivision can become subject to section 203(c).²

(1) *Political subdivision approach.* A political subdivision is covered if—

(i) More than 5 percent of its voting age citizens are members of a single language minority group and are limited-English proficient; and

(ii) The illiteracy rate of such language minority citizens in the political subdivision is higher than the national illiteracy rate.

(2) *State approach.* A political subdivision is covered if—

(i) It is located in a state in which more than 5 percent of the voting age citizens are members of a single language minority and are limited-English proficient;

(ii) The illiteracy rate of such language minority citizens in the state is higher than the national illiteracy rate; and

(iii) Five percent or more of the voting age citizens of the political subdivision are members of such language minority group and are limited-English proficient.

(3) *Numerical approach.* A political subdivision is covered if—

(i) More than 10,000 of its voting age citizens are members of a single language minority group and are limited-English proficient; and

(ii) The illiteracy rate of such language minority citizens in the political subdivision is higher than the national illiteracy rate.

(4) *Indian reservation approach.* A political subdivision is covered if there is located within its borders all or any part of an Indian reservation—

(i) In which more than 5 percent of the voting age American Indian or Alaska Native citizens are members of a single language minority group and are limited-English proficient; and

(ii) The illiteracy rate of such language minority citizens is higher than the national illiteracy rate.

(b) *Definitions.* For the purpose of determinations of coverage under section 203(c), *limited-English proficient* means unable to speak or understand English

²The criteria for coverage are contained in section 203(b).

adequately enough to participate in the electoral process; *Indian reservation* means any area that is an American Indian or Alaska Native area, as defined by the Census Bureau for the purposes of the 1990 decennial census; and *illiteracy* means the failure to complete the fifth primary grade.

(c) *Determinations.* Determinations of coverage under section 203(c) are made with regard to specific language groups of the language minorities listed in section 203(e).

[Order No. 1752–93, 58 FR 35372, July 1, 1993]

§ 55.7 Termination of coverage.

(a) *Section 4(f)(4).* A covered State, a political subdivision of a covered State, or a separately covered political subdivision may terminate the application of section 4(f)(4) by obtaining the declaratory judgment described in section 4(a) of the Act.

(b) *Section 203(c).* The requirements of section 203(c) apply until August 6, 2007. A covered jurisdiction may terminate such coverage earlier if it can prove in a declaratory judgment action in a United States district court, that the illiteracy rate of the applicable language minority group is equal to or less than the national illiteracy rate.

[Order 655–76, 41 FR 29998, July 20, 1976, as amended by Order 1246–87, 53 FR 736, Jan. 12, 1988; Order No. 1752–93, 58 FR 35373, July 1, 1993]

§ 55.8 Relationship between section 4(f)(4) and section 203(c).

(a) The statutory requirements of section 4(f)(4) and section 203(c) regarding minority language material and assistance are essentially identical.

(b) Jurisdictions subject to the requirements of section 4(f)(4)—but not jurisdictions subject only to the requirements of section 203(c)—are also subject to the Act’s special provisions, such as section 5 (regarding preclearance of changes in voting laws) and section 6 (regarding Federal examiners).³ See part 51 of this chapter.

³In addition, a jurisdiction covered under section 203(c) but not under section 4(f)(4) is subject to the Act’s special provisions if it was covered under section 4(b) prior to the 1975 Amendments to the Act.

(c) Although the coverage formulas applicable to section 4(f)(4) and section 203(c) are different, a political subdivision may be included within both of the coverage formulas. Under these circumstances, a judgment terminating coverage of the jurisdiction under one provision would not have the effect of terminating coverage under the other provision.

§ 55.9 Coverage of political units within a county.

Where a political subdivision (e.g., a county) is determined to be subject to section 4(f)(4) or section 203(c), all political units that hold elections within that political subdivision (e.g., cities, school districts) are subject to the same requirements as the political subdivision.

§ 55.10 Types of elections covered.

(a) *General.* The language provisions of the Act apply to registration for and voting in any type of election, whether it is a primary, general or special election. Section 14(c)(1). This includes elections of officers as well as elections regarding such matters as bond issues, constitutional amendments and referendums. Federal, State and local elections are covered as are elections of special districts, such as school districts and water districts.

(b) *Elections for statewide office.* If an election conducted by a county relates to Federal or State offices or issues as well as county offices or issues, a county subject to the bilingual requirements must insure compliance with those requirements with respect to all aspects of the election, i.e., the minority language material and assistance must deal with the Federal and State offices or issues as well as county offices or issues.

(c) *Multi-county districts.* Regarding elections for an office representing more than one county, e.g., State legislative districts and special districts that include portions of two or more counties, the bilingual requirements are applicable on a county-by-county basis. Thus, minority language material and assistance need not be provided by the government in counties not subject to the bilingual requirements of the Act.

Subpart C—Determining the Exact Language

§ 55.11 General.

The requirements of section 4(f)(4) or section 203(c) apply with respect to the languages of language minority groups. The applicable groups are indicated in the determinations of the Attorney General or the Director of the Census. This subpart relates to the view of the Attorney General concerning the determination by covered jurisdictions of precisely the language to be employed. In enforcing the Act, the Attorney General will consider whether the languages, forms of languages, or dialects chosen by covered jurisdictions for use in the electoral process enable members of applicable language minority groups to participate effectively in the electoral process. It is the responsibility of covered jurisdictions to determine what languages, forms of languages, or dialects will be effective. For those jurisdictions covered under section 203(c), the coverage determination (indicated in the appendix) specifies the particular language for which the jurisdiction was covered and which thus, under section 203(c), is required to be used.

[Order 655-76, 41 FR 29998, July 20, 1976, as amended by Order 1246-87, 53 FR 736, Jan. 12, 1988]

§ 55.12 Language used for written material.

(a) *Language minority groups having more than one language.* Some language minority groups, for example, Filipino Americans, have more than one language other than English. A jurisdiction required to provide election materials in the language of such a group need not provide materials in more than one language other than English. The Attorney General will consider whether the language that is used for election materials is the one most widely used by the jurisdiction's voting-age citizens who are members of the language minority group.

(b) *Languages with more than one written form.* Some languages, for example, Japanese, have more than one written form. A jurisdiction required to provide election materials in such a language need not provide more than one ver-

sion. The Attorney General will consider whether the particular version of the language that is used for election materials is the one most widely used by the jurisdiction's voting-age citizens who are members of the language minority group.

(c) *Unwritten languages.* Many of the languages used by language minority groups, for example, by some American Indians and Alaskan Natives, are unwritten. With respect to any such language, only oral assistance and publicity are required. Even though a written form for a language may exist, a language may be considered unwritten if it is not commonly used in a written form. It is the responsibility of the covered jurisdiction to determine whether a language should be considered written or unwritten.

§ 55.13 Language used for oral assistance and publicity.

(a) *Languages with more than one dialect.* Some languages, for example, Chinese, have several dialects. Where a jurisdiction is obligated to provide oral assistance in such a language, the jurisdiction's obligation is to ascertain the dialects that are commonly used by members of the applicable language minority group in the jurisdiction and to provide oral assistance in such dialects. (See § 55.20.)

(b) *Language minority groups having more than one language.* In some jurisdictions members of an applicable language minority group speak more than one language other than English. Where a jurisdiction is obligated to provide oral assistance in the language of such a group, the jurisdiction's obligation is to ascertain the languages that are commonly used by members of that group in the jurisdiction and to provide oral assistance in such languages. (See § 55.20)

[Order 655-76, 41 FR 29998, July 20, 1976, as amended by Order 1246-87, 53 FR 736, Jan. 12, 1988; Order No. 1752-93, 58 FR 35373, July 1, 1993]

Subpart D—Minority Language Materials and Assistance

§ 55.14 General.

(a) This subpart sets forth the views of the Attorney General with respect

to the requirements of section 4(f)(4) and section 203(c) concerning the provision of minority language materials and assistance and some of the factors that the Attorney General will consider in carrying out his responsibilities to enforce section 4(f)(4) and section 203(c). Through the use of his authority under section 5 and his authority to bring suits to enforce section 4(f)(4) and section 203(c), the Attorney General will seek to prevent or remedy discrimination against members of language minority groups based on the failure to use the applicable minority language in the electoral process. The Attorney General also has the responsibility to defend against suits brought for the termination of coverage under section 4(f)(4) and section 203(c).

(b) In discharging these responsibilities the Attorney General will respond to complaints received, conduct on his own initiative inquiries and surveys concerning compliance, and undertake other enforcement activities.

(c) It is the responsibility of the jurisdiction to determine what actions by it are required for compliance with the requirements of section 4(f)(4) and section 203(c) and to carry out these actions.

§ 55.15 Affected activities.

The requirements of sections 4(f)(4) and 203(c) apply with regard to the provision of “any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots.” The basic purpose of these requirements is to allow members of applicable language minority groups to be effectively informed of and participate effectively in voting-connected activities. Accordingly, the quoted language should be broadly construed to apply to all stages of the electoral process, from voter registration through activities related to conducting elections, including, for example the issuance, at any time during the year, of notifications, announcements, or other informational materials concerning the opportunity to register, the deadline for voter registration, the time, places and subject matters of elections, and the absentee voting process.

§ 55.16 Standards and proof of compliance.

Compliance with the requirements of section 4(f)(4) and section 203(c) is best measured by results. A jurisdiction is more likely to achieve compliance with these requirements if it has worked with the cooperation of and to the satisfaction of organizations representing members of the applicable language minority group. In planning its compliance with section 4(f)(4) or section 203(c), a jurisdiction may, where alternative methods of compliance are available, use less costly methods if they are equivalent to more costly methods in their effectiveness.

§ 55.17 Targeting.

The term “targeting” is commonly used in discussions of the requirements of section 4(f)(4) and section 203(c). “Targeting” refers to a system in which the minority language materials or assistance required by the Act are provided to fewer than all persons or registered voters. It is the view of the Attorney General that a targeting system will normally fulfill the Act’s minority language requirements if it is designed and implemented in such a way that language minority group members who need minority language materials and assistance receive them.

[Order No. 655–76, 41 FR 29998, July 20, 1976, as amended by Order No. 1752–93, 58 FR 35373, July 1, 1993]

§ 55.18 Provision of minority language materials and assistance.

(a) *Materials provided by mail.* If materials provided by mail (or by some comparable form of distribution) generally to residents or registered voters are not all provided in the applicable minority language, the Attorney General will consider whether an effective targeting system has been developed. For example, a separate mailing of materials in the minority language to persons who are likely to need them or to residents of neighborhoods in which such a need is likely to exist, supplemented by a notice of the availability of minority language materials in the general mailing (in English and in the applicable minority language) and by other publicity regarding the availability of such materials may be sufficient.

(b) *Public notices.* The Attorney General will consider whether public notices and announcements of electoral activities are handled in a manner that provides members of the applicable language minority group an effective opportunity to be informed about electoral activities.

(c) *Registration.* The Attorney General will consider whether the registration system is conducted in such a way that members of the applicable language minority group have an effective opportunity to register. One method of accomplishing this is to provide, in the applicable minority language, all notices, forms and other materials provided to potential registrants and to have only bilingual persons as registrars. Effective results may also be obtained, for example, through the use of deputy registrars who are members of the applicable language minority group and the use of decentralized places of registration, with minority language materials available at places where persons who need them are most likely to come to register.

(d) *Polling place activities.* The Attorney General will consider whether polling place activities are conducted in such a way that members of the applicable language minority group have an effective opportunity to vote. One method of accomplishing this is to provide all notices, instructions, ballots, and other pertinent materials and oral assistance in the applicable minority language. If very few of the registered voters scheduled to vote at a particular polling place need minority language materials or assistance, the Attorney General will consider whether an alternative system enabling those few to cast effective ballots is available.

(e) *Publicity.* The Attorney General will consider whether a covered jurisdiction has taken appropriate steps to publicize the availability of materials and assistance in the minority language. Such steps may include the display of appropriate notices, in the minority language, at voter registration offices, polling places, etc., the making of announcements over minority language radio or television stations, the publication of notices in minority language newspapers, and direct contact

with language minority group organizations.

[Order No. 655-76, 41 FR 29998, July 20, 1976, as amended by Order No. 733-77, 42 FR 35970, July 13, 1977]

§ 55.19 Written materials.

(a) *Types of materials.* It is the obligation of the jurisdiction to decide what materials must be provided in a minority language. A jurisdiction required to provide minority language materials is only required to publish in the language of the applicable language minority group materials distributed to or provided for the use of the electorate generally. Such materials include, for example, ballots, sample ballots, informational materials, and petitions.

(b) *Accuracy, completeness.* It is essential that material provided in the language of a language minority group be clear, complete and accurate. In examining whether a jurisdiction has achieved compliance with this requirement, the Attorney General will consider whether the jurisdiction has consulted with members of the applicable language minority group with respect to the translation of materials.

(c) *Ballots.* The Attorney General will consider whether a jurisdiction provides the English and minority language versions on the same document. Lack of such bilingual preparation of ballots may give rise to the possibility, or to the appearance, that the secrecy of the ballot will be lost if a separate minority language ballot or voting machine is used.

(d) *Voting machines.* Where voting machines that cannot mechanically accommodate a ballot in English and in the applicable minority language are used, the Attorney General will consider whether the jurisdiction provides sample ballots for use in the polling booths. Where such sample ballots are used the Attorney General will consider whether they contain a complete and accurate translation of the English ballots, and whether they contain or are accompanied by instructions in the minority language explaining the operation of the voting machine. The Attorney General will also consider whether the sample ballots are displayed so that they are clearly visible and at the same level as the machine

ballot on the inside of the polling booth, whether the sample ballots are identical in layout to the machine ballots, and whether their size and typeface are the same as that appearing on the machine ballots. Where space limitations preclude affixing the translated sample ballots to the inside of polling booths, the Attorney General will consider whether language minority group voters are allowed to take the sample ballots into the voting booths.

§ 55.20 Oral assistance and publicity.

(a) *General.* Announcements, publicity, and assistance should be given in oral form to the extent needed to enable members of the applicable language minority group to participate effectively in the electoral process.

(b) *Assistance.* The Attorney General will consider whether a jurisdiction has given sufficient attention to the needs of language minority group members who cannot effectively read either English or the applicable minority language and to the needs of members of language minority groups whose languages are unwritten.

(c) *Helpers.* With respect to the conduct of elections, the jurisdiction will need to determine the number of helpers (i.e., persons to provide oral assistance in the minority language) that must be provided. In evaluating the provision of assistance, the Attorney General will consider such facts as the number of a precinct's registered voters who are members of the applicable language minority group, the number of such persons who are not proficient in English, and the ability of a voter to be assisted by a person of his or her own choice. The basic standard is one of effectiveness.

[Order No. 655–76, 41 FR 29998, July 20, 1976, as amended by Order No. 1752–93, 58 FR 35373, July 1, 1993]

§ 55.21 Record keeping.

The Attorney General's implementation of the Act's provisions concerning language minority groups would be facilitated if each covered jurisdiction would maintain such records and data

as will document its actions under those provisions, including, for example, records on such matters as alternatives considered prior to taking such actions, and the reasons for choosing the actions finally taken.

Subpart E—Preclearance

§ 55.22 Requirements of section 5 of the Act.

For many jurisdictions, changes in voting laws and practices will be necessary in order to comply with section 4(f)(4) or section 203(c). If a jurisdiction is subject to the preclearance requirements of section 5 (see § 55.8(b)), such changes must either be submitted to the Attorney General or be made the subject of a declaratory judgment action in the U.S. District Court for the District of Columbia. Procedures for the administration of section 5 are set forth in part 51 of this chapter.

Subpart F—Sanctions

§ 55.23 Enforcement by the Attorney General.

(a) The Attorney General is authorized to bring civil actions for appropriate relief against violations of the Act's provisions, including section 4 and section 203. See sections 12(d) and 204.

(b) Also, certain violations may be subject to criminal sanctions. See sections 11(a)–(c) and 205.

Subpart G—Comment on This Part

§ 55.24 Procedure.

These guidelines may be modified from time to time on the basis of experience under the Act and comments received from interested parties. The Attorney General therefore invites public comments and suggestions on these guidelines. Any party who wishes to make such suggestions or comments may do so by sending them to: Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, DC 20530.

**APPENDIX TO PART 55—JURISDICTIONS COVERED UNDER SECTIONS 4(f)(4) AND
203(c) OF THE VOTING RIGHTS ACT OF 1965, AS AMENDED**

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4) ¹	Coverage under sec. 203(c) ²
Alaska:	Alaskan Natives (statewide)	
Aleutians East Borough	Alaskan Natives (Eskimo).
Aleutians West Census Area	Alaskan Natives (Aleut).
Bethel Census Area	American Indian (Athapaskan, Tanaina), Alaskan Natives (Eskimo).
Bristol Bay Borough	Alaskan Natives (Eskimo).
Dillingham Census Area	Alaskan Natives (Eskimo).
Kenai Peninsula Borough	Alaskan Natives (Eskimo).
Kodiak Island Borough	Alaskan Natives (Aleut, Eskimo).
Lake and Peninsula Borough	American Indian (Athapaskan), Alaskan Natives (Aleut, Eskimo).
Nome Census Area	Alaskan Natives (Eskimo).
North Slope Borough	Alaskan Natives (Eskimo).
Northwest Arctic Borough	Alaskan Natives (Eskimo).
Skagway-Yakutat-Angoon Census Area	American Indian (Tlingit).
Southeast Fairbanks Census Area	American Indian (Athapaskan).
Valdez-Cordova Census Area	American Indian (Athapaskan).
Wade Hampton Census Area	Alaskan Natives (Eskimo).
Yukon-Koyukuk Census Area	American Indian (Athapaskan, Kuchin), Alaskan Natives (Eskimo).
Arizona:	Spanish heritage (statewide)	
Apache County	American Indian	American Indian (Apache, Navajo, Zuni).
Coconino County	American Indian	American Indian (Havasupai, Hopi, Nav- ajo).
Gila County	American Indian (Apache).
Graham County	American Indian (Apache).
Greenlee County	Spanish heritage.
Maricopa County	American Indian (Pima, Yavapai), Span- ish heritage.
Navajo County	American Indian	American Indian (Apache, Hopi, Navajo).
Pima County	American Indian (Pima), Spanish herit- age.
Pinal County	American Indian	American Indian (Apache, Pima).
Santa Cruz County	Spanish heritage.
Yuma County	American Indian (Delta River Yuma, Yuma), Spanish heritage.
California:		
Alameda County	Asian American (Chinese), Spanish her- itage.
Colusa County	American Indian (Wintun).
Fresno County	Spanish heritage.
Imperial County	Spanish heritage.
Inyo County	American Indian (Spanish).
Kern County	Spanish heritage.
Kings County	Spanish heritage	Spanish heritage.
Lake County	American Indian (Spanish).
Los Angeles County	Asian American (Chinese, Filipino, Japa- nese, Vietnamese), Spanish heritage.
Merced County	Spanish heritage	Spanish heritage.
Monterey County	Asian American (Vietnamese), Spanish heritage.
Orange County	Spanish heritage.
Riverside County	Spanish heritage.
San Benito County	Spanish heritage.
San Bernardino County	Spanish heritage.
San Diego County	Spanish heritage.
San Francisco County	Asian American (Chinese).
Santa Clara County	Spanish heritage.
Tulare County	Spanish heritage.
Ventura County	Spanish heritage.
Yuba County	Spanish heritage	Spanish heritage.
Colorado:		
Alamosa County	Spanish heritage.
Archuleta County	Spanish heritage.
Bent County	Spanish heritage.
Conejos County	Spanish heritage.
Costilla County	Spanish heritage.
La Plata County	American Indian (Ute).
Las Animas County	Spanish heritage.

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4) ¹	Coverage under sec. 203(c) ²
Montezuma County .....	.....	American Indian (Ute).
Otero County .....	.....	Spanish heritage.
Rio Grande County .....	.....	Spanish heritage.
Saguache County .....	.....	Spanish heritage.
Connecticut:		
Fairfield County: Bridgeport Town .....	.....	Spanish heritage.
Hartford County:		
Hartford Town .....	.....	Spanish heritage.
New Britain Town .....	.....	Spanish heritage.
Windham County: Windham Town .....	.....	Spanish heritage.
Florida:		
Broward County .....	.....	American Indian (Mikasuki, Muskogee), Spanish heritage.
Collier County	Spanish heritage	American Indian (Mikasuki).
Dade County .....	.....	American Indian (Mikasuki), Spanish heritage.
Glades County .....	.....	American Indian (Muskogee).
Hardee County	Spanish heritage	Spanish heritage.
Hendry County	Spanish heritage	American Indian (Mikasuki, Muskogee).
Hillsborough County	Spanish heritage	Spanish heritage.
Orange County .....	.....	Spanish heritage.
Monroe County	Spanish heritage .....	.....
Hawaii:		
Honolulu County .....	.....	Asian American (Filipino, Japanese).
Kauai County .....	.....	Asian American (Filipino).
Maui County .....	.....	Asian American (Filipino).
Idaho:		
Bannock County .....	.....	American Indian (Shoshoni).
Bingham County .....	.....	American Indian (Shoshoni).
Owyhee County .....	.....	American Indian (Shoshoni).
Power County .....	.....	American Indian (Shoshoni).
Illinois: Cook County .....	.....	Spanish heritage.
Iowa: Tama County .....	.....	American Indian (Fox).
Louisiana: Avoyelles Parish .....	.....	American Indian (French).
Massachusetts:		
Essex County: Lawrence City .....	.....	Spanish heritage.
Hampden County:		
Holyoke City .....	.....	Spanish heritage.
Springfield City .....	.....	Spanish heritage.
Suffolk County:		
Boston City .....	.....	Spanish heritage.
Chelsea City .....	.....	Spanish heritage.
Michigan:		
Allegan County: Clyde Township	Spanish heritage	Spanish heritage.
Oceana County: Colfax Township .....	.....	Spanish heritage.
Saginaw County:		
Buena Vista Township	Spanish heritage .....	.....
Zilwaukee Township .....	.....	Spanish heritage.
Mississippi:		
Jones County .....	.....	American Indian (Choctaw).
Kemper County .....	.....	American Indian (Choctaw).
Leake County .....	.....	American Indian (Choctaw).
Neshoba County .....	.....	American Indian (Choctaw).
Newton County .....	.....	American Indian (Choctaw).
Winston County .....	.....	American Indian (Choctaw).
Nevada:		
Elko County .....	.....	American Indian (Shoshoni).
Humboldt County .....	.....	American Indian (Paiute).
New Jersey:		
Essex County .....	.....	Spanish heritage.
Hudson County .....	.....	Spanish heritage.
Middlesex County .....	.....	Spanish heritage.
Passaic County .....	.....	Spanish heritage.
Union County .....	.....	Spanish heritage.
New Mexico:		
Bernalillo County .....	.....	American Indian (Keres, Navajo, Tiwa), Spanish heritage.
Chaves County .....	.....	Spanish heritage.
Cibola County	American Indian (Keres, Navajo, Zuni), Spanish heritage.
Colfax County	Spanish heritage.
Dona Anna County	Spanish heritage.

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[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4) ¹	Coverage under sec. 203(c) ²
Eddy County	Spanish heritage.
Grant County	Spanish heritage.
Guadalupe County	Spanish heritage.
Harding County	Spanish heritage.
Hidalgo County	Spanish heritage.
Lea County	Spanish heritage.
Luna County	Spanish heritage.
McKinley County	American Indian (Navajo, Zuni).
Mora County	Spanish heritage.
Quay County	Spanish heritage.
Rio Arriba County	American Indian (Jicarilla, Navajo), Spanish heritage.
Roosevelt County	Spanish heritage.
San Juan County	American Indian (Navajo).
San Miguel County	Spanish heritage.
Sandoval County	American Indian (Jicarilla, Keres, Navajo, Towa).
Santa Fe County	Spanish heritage.
Socorro County	American Indian (Navajo), Spanish heritage.
Taos County	American Indian (Tiwa), Spanish heritage.
Torrance County	Spanish heritage.
Union County	Spanish heritage.
Valencia County	American Indian (Keres, Tiwa), Spanish heritage.
New York:		
Bronx County	Spanish heritage	Spanish heritage.
Franklin County	American Indian (Mohawk).
Kings County	Spanish heritage	Asian American (Chinese), Spanish heritage.
New York County	Asian American (Chinese), Spanish heritage.
Queens County	Asian American (Chinese), Spanish heritage.
Suffolk County	Spanish heritage.
Westchester County	Spanish heritage.
North Carolina: Jackson County	American Indian	
North Dakota:		
Benson County	American Indian (Dakota).
Eddy County	American Indian (Dakota).
Ramsey County	American Indian (Dakota).
Oklahoma: Adair County	American Indian (Cherokee).
Oregon: Malheur County	American Indian (Paiute).
Pennsylvania: Philadelphia County	Spanish heritage.
Rhode Island:		
Providence County: Central Falls City	Spanish heritage.
South Dakota:		
Dewey County	American Indian (Dakota).
Gregory County	American Indian (Dakota).
Lyman County	American Indian (Dakota).
Mellette County	American Indian (Dakota).
Shannon County	American Indian	
Todd County	American Indian	American Indian (Dakota).
Tripp County	American Indian (Dakota).
Ziebach County	American Indian (Dakota).
Texas	Spanish heritage (statewide)	
Andrews County	Spanish heritage.
Atascosa County	Spanish heritage.
Bailey County	Spanish heritage.
Bee County	Spanish heritage.
Bexar County	Spanish heritage.
Brewster County	Spanish heritage.
Brooks County	Spanish heritage.
Caldwell County	Spanish heritage.
Calhoun County	Spanish heritage.
Cameron County	Spanish heritage.
Castro County	Spanish heritage.
Cochran County	Spanish heritage.
Comal County	Spanish heritage.
Concho County	Spanish heritage.
Crockett County	Spanish heritage.

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4) ¹	Coverage under sec. 203(c) ²
Crosby County	Spanish heritage.
Culberson County	Spanish heritage.
Dallas County	Spanish heritage.
Dawson County	Spanish heritage.
Deaf Smith County	Spanish heritage.
Dewitt County	Spanish heritage.
Dickens County	Spanish heritage.
Dimmit County	Spanish heritage.
Duval County	Spanish heritage.
Ector County	Spanish heritage.
Edwards County	Spanish heritage.
El Paso County	American Indian (Spanish), Spanish her- itage.
Floyd County	Spanish heritage.
Frio County	Spanish heritage.
Gaines County	Spanish heritage.
Garza County	Spanish heritage.
Glasscock County	Spanish heritage.
Goliad County	Spanish heritage.
Gonzales County	Spanish heritage.
Guadalupe County	Spanish heritage.
Hale County	Spanish heritage.
Harris County	Spanish heritage.
Hays County	Spanish heritage.
Hidalgo County	Spanish heritage.
Hockley County	Spanish heritage.
Howard County	Spanish heritage.
Hudspeth County	Spanish heritage.
Irion County	Spanish heritage.
Jeff Davis County	Spanish heritage.
Jim Hogg County	Spanish heritage.
Jim Wells County	Spanish heritage.
Karnes County	Spanish heritage.
Kenedy County	Spanish heritage.
Kent County	Spanish heritage.
Kinney County	Spanish heritage.
Kleberg County	Spanish heritage.
La Salle County	Spanish heritage.
Lamb County	Spanish heritage.
Live Oak County	Spanish heritage.
Lubbock County	Spanish heritage.
Lynn County	Spanish heritage.
Martin County	Spanish heritage.
Maverick County	Spanish heritage.
McCulloch County	Spanish heritage.
McMullen County	Spanish heritage.
Medina County	Spanish heritage.
Menard County	Spanish heritage.
Midland County	Spanish heritage.
Mitchell County	Spanish heritage.
Moore County	Spanish heritage.
Nolan County	Spanish heritage.
Nueces County	Spanish heritage.
Parmer County	Spanish heritage.
Pecos County	Spanish heritage.
Polk County	American Indian (Alabama).
Presidio County	Spanish heritage.
Reagan County	Spanish heritage.
Reeves County	Spanish heritage.
Refugio County	Spanish heritage.
Runnels County	Spanish heritage.
San Patricio County	Spanish heritage.
Schleicher County	Spanish heritage.
Scurry County	Spanish heritage.
Starr County	Spanish heritage.
Sutton County	Spanish heritage.
Swisher County	Spanish heritage.
Tarrant County	Spanish heritage.
Terrell County	Spanish heritage.
Terry County	Spanish heritage.
Tom Green County	Spanish heritage.
Travis County	Spanish heritage.

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[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4) ¹	Coverage under sec. 203(c) ²
Upton County	Spanish heritage.
Uvalde County	Spanish heritage.
Val Verde County	Spanish heritage.
Victoria County	Spanish heritage.
Ward County	Spanish heritage.
Webb County	Spanish heritage.
Wharton County	Spanish heritage.
Willacy County	Spanish heritage.
Wilson County	Spanish heritage.
Winkler County	Spanish heritage.
Yoakum County	Spanish heritage.
Zapata County	Spanish heritage.
Zavala County	Spanish heritage.
Utah: San Juan County	American Indian (Navajo, Ute).
Wisconsin:		
Clark County: Curtiss Village	Spanish heritage.

¹ Coverage determinations were published at 40 FR 43746 (Sept. 23, 1975), 40 FR 49422 (Oct. 22, 1975), 41 FR 784 (Jan. 5, 1976) (corrected at 41 FR 1503 (Jan. 8, 1976)), and 41 FR 34329 (Aug. 13, 1976). Covered counties in Colorado, New Mexico, and Oklahoma have bailed out pursuant to section 4(a). See § 55.7(a) of this part.

² Coverage determinations were published at 57 FR 43213 (Sept. 18, 1992).

[Order No. 1752-93, 58 FR 35373, July 1, 1993; 58 FR 36516, July 7, 1993]

PART 56—INTERNATIONAL ENERGY PROGRAM

Sec.

56.1 Purpose and scope.

56.2 Maintenance of records with respect to meetings held to develop voluntary agreements or plans of action pursuant to the Agreement on an International Energy Program.

56.3 Maintenance of records with respect to meetings held to develop and carry out voluntary agreements or plans of action pursuant to the Agreement on an International Energy Program.

AUTHORITY: Energy Policy and Conservation Act, Pub. L. 94-163, 89 Stat. 871 (42 U.S.C. 6201).

SOURCE: 49 FR 33998, Aug. 28, 1984, unless otherwise noted.

§ 56.1 Purpose and scope.

These regulations are promulgated pursuant to section 252(e)(2) of the Energy Policy and Conservation Act (EPCA), 42 U.S.C. 6272(e)(2). They are being issued by the Assistant Attorney General in charge of the Antitrust Division to whom the Attorney General has delegated his authority under this section of EPCA. The requirements of this part do not apply to activities other than those for which section 252 of EPCA makes available a defense to actions brought under the Federal antitrust laws.

§ 56.2 Maintenance of records with respect to meetings held to develop voluntary agreements or plans of action pursuant to the Agreement on an International Energy Program.

(a) The Administrator of the Department of Energy shall keep a verbatim transcript of any meeting held pursuant to this subpart.

(b)(1) Except as provided in paragraphs (b) (2) through (4) of this section, potential participants shall keep a full and complete record of any communications (other than in a meeting held pursuant to this subpart) between or among themselves for the purpose of developing a voluntary agreement under this part. When two or more potential participants are involved in such a communication, they may agree among themselves who shall keep such record. Such record shall include the names of the parties to the communication and the organizations, if any, which they represent; the date of the communication; the means of communication; and a description of the communication in sufficient detail to convey adequately its substance.

(2) Where any communication is written (including, but not limited to, telex, telegraphic, telecopied, microfilm and computer printout material), and where such communication demonstrates on its face that the originator or some other source furnished a